

R E M A R K S

Claims 1-26 are pending in the present application. Claims 3, 15, and 22 have been amended to correct typographic errors and/or to further clarify the subject matter recited therein. No new matter is added by the amendment. In view of the amendments and the following remarks, favorable reconsideration of this application is respectfully requested.

Applicant notes with appreciation that the Examiner acknowledges that claims 1-21 are allowable.

The Office Action objects to the disclosure on page 33, line 13. However, the correction suggested by the Examiner was made in the Amendment filed on May 4, 2005. Therefore, it is respectfully requested that the objection to the specification be withdrawn.

The Office Action objects to claim 3 based on an informality. Claim 3 is amended to respond to this objection, and it is therefore respectfully requested that the objection to claim 3 be withdrawn.

Claims 22-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either of Japanese Patent No. 403128188A (hereinafter JP '188) or Japanese Patent No. 408206868A (hereinafter JP '868). Applicant respectfully traverses.

Claim 22 is directed to a laser apparatus that includes, *inter alia*, a second optical system in which the second laser beam is configured by the second optical system to be irradiated to the thin-film in such a way as to be coaxial with a first laser beam when a movable optical element included in the second optical system is positioned in a first position in an optical path of the first laser beam. In claim 22, the first laser beam and the second laser beam are adapted to irradiate to the thin-film to form an alignment mark using an optical constant difference.

The Examiner rejects the claims stating that the feature of a movable stage would be obvious, without providing a motivation to modify the cited references. It is respectfully submitted that a movable stage in the context of two coaxial lasers is not obvious, and it is therefore requested that the Examiner provide a citation in support of a movable stage and a motivation to combine with the existing references. Alternatively, it is respectfully requested that the rejection be withdrawn.

In the interest of expediting prosecution, claim 22 has been amended to recite that the first laser beam and the second laser beam are irradiated to the thin-film to form an alignment mark using an optical constant difference. It is respectfully submitted that neither JP '188 nor JP '868 discloses or suggests this feature, and therefore claim 22 is allowable.

Claims 23-26 depend from claim 22 and are therefore allowable for at least the same reasons as claim 22 is allowable.

Additionally, claim 24 recites that an excimer laser is used as the first laser beam generator. It is respectfully submitted that neither JP '188 nor JP '868 discloses or suggests that an excimer laser is used as the first laser beam generator. The Examiner asserts that the use of an excimer laser would be obvious, without providing a motivation to modify the cited references. It is respectfully submitted that an excimer laser in the context of two coaxial lasers is not obvious, and it is therefore requested that the Examiner provide a citation in support of an excimer laser and a motivation to combine with the existing references. Alternatively, it is respectfully requested that the rejection of claim 24 be withdrawn.

CONCLUSION

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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